

### **REMARKS**

As a result of this amendment, claims 1-30 are now pending in this application. Claims 1-28 have been rejected as being indefinite under §112 and/or as lacking novelty under §102. New claim 29, which finds exemplary support in Figure 1, stems from claim 10 and recites that the first and second means for controlling the test access port are external to the integrated circuit containing the test access port. Similarly, new claim 30, which also finds exemplary support in Figure 1, recites that the first TAP control device and the multiplexer are external to the integrated circuit.

A detailed response to the rejections follows. However, applicant reserves all applicable rights not expressly exercised in connection with this response, including, for example, the challenge sufficiency of one or more of the cited references, the right to swear behind one or more cited references, and the right to rebut characterizations of the references and asserted combinations or motives for combination. Applicant makes no admissions regarding the prior art status of any of the cited art.

### **Information Disclosure Statement**

Applicant received an initialed copy of the 1449 Form that was filed on April 20, 2004 attached to this office action. From the initialed copy, it is unclear if the Examiner initialed two references listed on this returned 1449 Form, specifically US 6,122,762 and US 6,446,230. Therefore, applicant respectfully requests that the Examiner clearly indicate that these two references have been considered and return a copy to applicant's patent counsel with the next action. A copy of the returned 1449 Form is enclosed herewith for the convenience of the Examiner.

### **Response to §112 Rejections**

The Examiner rejected claims 25-28 under 35 USC §112, second paragraph, as being indefinite, asserting that it was unclear whether they pertained to a system or to a method.

In response, applicant submits respectfully that these claims recite neither a system nor a method, but a "machine-readable medium." One example of such a medium is an electronic

memory. To clarify the separation between the preamble and the body of the claim, applicant has amended claim 25 by changing “including” to “comprising,” and indenting portion starting with “coded instructions for.”

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §112 rejections.

### **Response to §102 Rejections**

The Examiner rejected claims 1-28 under 35 USC §102(e) as anticipated by Whetsel (U.S.6,763,485), particularly citing Figure 18.

In response, applicant submits respectfully that applicant has amended claim 10 to clarify that the recited first and second means are “for controlling” the test access port of the integrated circuit. Thus, the recited multiplexer module is for selectively coupling the first and second means for controlling the test access port to the test access port. In other words, claim 10 provides two controllers for the test access port.

In contrast, the cited portion of Whetsel, namely Figure 18, shows an IC controller 1802 selectively couplable, via multiplexer circuitry 1808, to core 1 controller 1804 and core 2 controller 1806. It does not appear that one of skill in the art would regard core controllers 1804 and 1806 as controlling IC controller 1802, and the Action provides zero evidence that this is what Whetsel teaches. Further, the Action cites zero evidence that one of skill would equate IC controller 1802 with a test access port. As such, it appears that Whetsel fails to teach one of ordinary skill to provide two selectable control means for a test access port.

Accordingly, applicant requests respectfully that the Examiner reconsider and the withdraw the §102 rejections of claim 10 and its dependents.

Additionally, applicant submits respectfully that the §102 rejection of the balance of the claims 1-9 and 14-28 appears also to rely on an apparent misreading of Figure 18. Moreover, it appears that the rejection of these claims overlooks the specific language of the claims. For example, claim 1 recites “detecting a condition of an integrated circuit having a TAP while communicating with the TAP using a first TAP control device” and “communicating with the TAP using a second TAP control device in response to detecting the condition.” Even if one

asserts that Whetsel provides structure suitable for accomplishing this particular combination of acts, it does not follow necessarily that Whetsel teaches one to perform these acts.

Accordingly, applicant requests again respectfully that that Examiner reconsider and withdraw these rejections as well.

### Conclusion

In view of these remarks, applicant requests respectfully that the Examiner reconsider the Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 349-9593) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

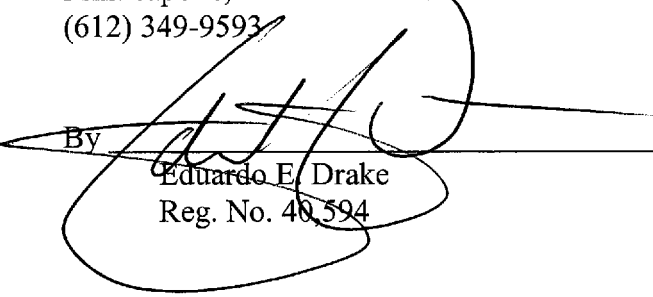
Respectfully submitted,

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By

  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of June 2006.

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